

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 6TH DAY OF MARCH 2023 / 15TH PHALGUNA, 1944

WP(C) NO. 6101 OF 2023

PETITIONER:

SAJIN P, AGED 42 YEARS
S/O KANNAN, PUTHIYADATH, PUTHOOR, ETTUKUDUKKA PO,
PAYYANUR TALUK, KANNUR DISTRICT., PIN - 670521

BY ADVS.
GEORGE MATHEWS
M.M.ANTO

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
SECRETARIATE, THIRUVANANTHAPURAM., PIN - 695001
- 2 THE SECRETARY
KERALA PUBLIC SERVICE COMMISSION, PATTOM,
THIRUVANANTHAPURAM., PIN - 695001
- 3 THE DISTRICT OFFICER
THE KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, KASARAGOD, PIN - 671121
- 4 SECRETARY
SOCIAL JUSTICE DEPARTMENT, SECRETARIATE,
THIRUVANANTHAPURAM, PIN - 695001

SMT. K. G. SAROJINI - GP
SRI.P.C. SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 06.03.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 6th day of March, 2023

The petitioner, an unemployed graduate who has been diagnosed with Brain, Bipolar Affective Disorder with 40% PPI/Disability, has approached this Court seeking to call for the records relating to the application of the petitioner for the post of Lower Division Clerk for the District of Kasaragod and to set aside the orders rejecting the claim of appointment of the petitioner in the sub category locomotor disability/cerebral palsy.

2. To a pointed question, counsel for the petitioner submitted that the ultimate relief received by the petitioner will be appointment to Government service as a Lower Division Clerk. The petitioner has sought to declare that the petitioner is entitled for appointment under reservation category locomotor disability/cerebral palsy in the light of the Rights of Persons with Disabilities Act, 2016 and order to include him in

the list of eligible candidates for appointing for the sub category and direct respondents 2 and 3 to appoint the petitioner in a suitable post available at present or expected in future. The reliefs relate to appointment to Government service.

3. In view of the said fact and in view of the provisions contained in the Administrative Tribunals Act, 1985, the issue being a service matter, the petitioner has to approach the competent Tribunal constituted under the Administrative Tribunals Act, 1985.

In the circumstances, granting liberty to the petitioner to approach the competent Tribunal, this writ petition is dismissed.

Sd/-
N.NAGARESH
JUDGE

spk

APPENDIX OF WP(C) 6101/2023

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE DEGREE CERTIFICATE ISSUED FROM THE UNIVERSITY OF CALICUT DATED 06.05.2002.
Exhibit P2	TRUE COPY OF THE CERTIFICATE FOR DIFFERENTLY ABLED PERSON DATED 13.12.2019 ISSUED BY THE TALUK HEAD QUARTERS HOSPITAL, TALIPARAMBA.
Exhibit P3	TRUE COPY OF THE LIST OF PROVISIONALLY ELIGIBLE CANDIDATES DATED 21.05.2022.
Exhibit P4	TRUE COPY OF THE COMMUNICATION ASKING TO ATTEND FOR ONE TIME VERIFICATION ON 06.06.2022.
Exhibit P5	TRUE COPY OF THE LIST PORTION (PAGE NO.36) CONTAINING THE LOCOMOTOR DISABILITY/ CEREBRAL PALSY.
Exhibit P6	TRUE COPY OF THE LETTER DATED 08.07. 2022 SUBMITTED TO THE 3RD RESPONDENT.
Exhibit P7	TRUE COPY OF THE LETTER DATED 14.07. 2022 FROM THE 3RD RESPONDENT
Exhibit P8	TRUE COPY OF THE REPLY DATED 08.10. 2022 FROM THE 2ND RESPONDENT.